



The matter is posted at 4.30 p.m in the chambers for the presence of the petitioner and the two minor children.

2.The petitioner is present along with Ms.R.Vinodhini, learned counsel, who was led by Ms.K.N.Santhi, learned counsel.

3.The respondent had been set ex-parte on 10.08.2022, since he did not respond to the notices issued by the Court and as a matter of fact, publication had been effected.

4.This Original Petition has been filed taking advantage of Sections, 3,7, 8, 9 and 10 of the Guardians and Wards Act, 1980 read with Order XXI Rules 2 & 3 of the Madras High Court, Original Side Rules seeking permanent custody and to be appointed as guardian of two minor sons of the petitioner herein, P.Siddharth, who was born on 21.04.2005 and P.Vivaan, who was born on 14.08.2012.



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5.The petitioner had married the respondent on 03.12.2000 at Chennai and the marriage was registered on 04.12.2000 in the office of the District Registrar at Tirupati.

6.The respondent was employed in a good position at California in U.S.A. The petitioner also left to U.S.A and it is informed by P.Siddharth that they both worked in AT & T Company.

7.It is also to be mentioned that both the children were born in U.S.A and therefore, they are natural citizens of that country. They also have the benefit of having OCI card being issued and this requires frequent renewal and such renewal can be done on proper forms to be submitted by the guardian duly recognized in law before the concerned authorities.

8.It is the grievance of the petitioner herein that the respondent had not co-operated in that regard and taking into consideration, the fact that such forms have to be submitted, this petition has been filed seeking the reliefs as stated.



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9.It is also to be pointed out that, though a list of grievance has been expressed in the petition, to determine whether the petitioner is to be appointed as guardian, reference to those allegations or grievances are not germane for this petition. I am taking a conscious decision not to repeat them.

10.As on date, the petitioner is residing with her parents. She stated that she is financially well off and having sold landed property, is judiciously using the sale consideration. I hope that even in future the amounts held would be used judiciously.

11.The 1st son P.Siddharth has now completed his school and has a dream of going over to U.S.A for further studies. Necessary steps require filling up forms with the signature of the guardian. The 2nd son P.Vivaan is now studying in V – Grade at Indian Public School.

12.I had an interaction with both the children to point the purpose of this Original Petition was only to ensure that the mother has the legal right to act on their behalf and in their interest till they attain the age of majority. It



does not mean that they need not have access to the father, if at all he comes over. I am confident that the petitioner would also provide such access.

13.I am also informed that the petitioner had filed O.P.No.108 of 2022 before the VI Additional Principal Family Court, Chennai and there also the respondent herein had taken a conscious decision to abstain from appearing and therefore, an *ex-parte* decree granting divorce had been ordered on 18.10.2022.

14.The children are therefore entrusted to the care and protection of the mother.

15.The petitioner had also tendered evidence and she had examined herself as PW-1. The Marriage Invitation was marked as Ex.P1 and the Marriage Certificate was examined as Ex.P2. The Birth Certificates of the two sons were marked as Exs.P3 and P6 respectively. The copies of the Passport of the petitioner, 1st and 2nd sons were marked as Exs.P4, P11 and P8 respectively. The Overseas Citizen of India Card for the two sons were marked as Exs.P9 and P10. The Green Card of the petitioner was marked as Ex.P5. The declaration of willingness to accept the office of guardian of the two sons were marked as Ex.P12.



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16. In view of the evidence presented and particularly taking into consideration the interest of the children, the petitioner is appointed as the lawful guardian, till the children attain the age of majority. This petition stands allowed. The petitioner is to retain the permanent custody of the two children.

14.11.2022

smv



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C.V.KARTHIKEYAN,J.

Smv

O.P.No.147 of 2022

14.11.2022